

REMARKS

Claims 1-25, 27 and 28 are pending in the application.

In paragraph 3 on page 3 of the Office Action, Claims 1 -4, 7-16, 25, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safadi in view of Ellis.

In paragraph 4 on page 17 of the Office Action, Claims 5, 6, and 17-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safadi in view of Ellis, and further in view of Moeller.

In paragraph 5 on page 20 of the Office Action, Claims 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Safadi in view of Ellis and Moeller, and in further view of Youden.

Applicant respectfully traverses the rejection.

Independent claim 1 sets forth presenting a program guide identifying audiovisual data and designating a set start time and a set stop time for the identified audiovisual data, receiving at a set-top box audiovisual data from a desired transmission channel beginning at the set start time, if said audiovisual data is not compressed according to a predetermined format, compressing said received audiovisual data according to said predetermined format, in response to receiving a request for recording compressed audiovisual data selected from the program guide prior to the set start time for the selected compressed audiovisual data identified in the program guide, storing dynamically, in a mass storage device and for a predefined period of time, the selected compressed audiovisual data received from said desired transmission channel to be included in a title plan generated by a time shift scheduler, wherein said title plan includes information identifying the selected compressed audiovisual data stored dynamically, wherein the selected compressed audiovisual data has a variable duration extending beyond the set stop time, wherein

storing the selected compressed audiovisual data dynamically at the set-top box comprises identifying a content stream associated with the selected compressed audiovisual data using a title identification code, the title identification code identifies the content stream as being time-shifted content and provides a data stamp associated with the content stream associated with the selected compressed audiovisual data, over-allocating memory in the mass storage device to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time, determining a final length of the selected compressed audiovisual data, deallocating any over-allocated memory not used to record the selected compressed audiovisual data having a variable duration extending beyond the set stop time after the final length of the selected compressed audiovisual data is determined and in response to a user request, providing to said user said stored compressed audiovisual data beginning with a portion of said stored compressed audiovisual data having associated with it a first temporal parameter. Independent claims 2, 12 and 28 set forth similar elements.

In contrast, Safadi discloses a personal versatile recorder that registers with an electronic programming guide server. Safadi discloses that the recording of a program is initiated and halted based on the most current information from the electronic programming guide server, wherein the recording begins at a first time that is immediately before the starting time of that event and ends at a second time that is immediately after the completion time of that event.

Thus, Safadi only discloses that a buffer amount of recording is made before and after the set start and stop times. However, Safadi does not suggest recording a program having a variable duration that extends beyond the set stop time. Safadi does not know that a program will extend

beyond a set stop time. Rather, Safadi clearly assumes that the program will end at the set stop time, even though the actually recording of data continues past the set stop time.

Thus, if the event is a live event, which is one example of a program having a variable duration that extends beyond the set stop time, Safadi will not capture the extended portion. Only the embodiment set forth in the claims determines a program has a variable duration that extends beyond the set stop time and over-allocates recording time to ensure that the complete program that extends beyond the set stop time is recorded.

Thus, Safadi fails to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Ellis fails to remedy the deficiencies of Safadi. Ellis is merely cited as disclosing that the content is received and stored by a server and provided over a transport network to subscribers, where only the received plurality of content presently requested by any subscriber is forwarded to the transport network.

However, Ellis fails to disclose, teach or suggest recording a program having a variable duration that extends beyond the set stop time. Ellis does not even mention determining that a program will extend beyond a set stop time. Ellis, like Safadi, clearly assumes that the program will end at the set stop time, even though the actually recording of data continues past the set stop time.

Thus, Safadi and Ellis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Moeller fails to overcome the deficiencies of Ellis. Moeller is merely cited as disclosing storing a temporally sub-sampled version of the desired broadcast content to generate a fast-forward track and generating real-time encoded play tracks, fast forward tracks,

rewind tracks, and entry point data (EPD) files associated with each track, wherein said fast-forward and rewind tracks forming said temporally adjusted content.

However, Moeller also does not disclose, teach or suggest recording a program having a variable duration that extends beyond the set stop time. Moeller merely discloses a slider bar is used to index to different locations in the video stream. Moeller does not even mention determining that a program will extend beyond a set stop time.

Thus, Safadi, Ellis and Moeller, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Youden fails to overcome the deficiencies of Ellis and Moeller. Youden is merely cited as disclosing storing said fast-forward tracks in extents in front to back order and storing said rewind tracks in extents. However, Youden also does not disclose, teach or suggest recording a program having a variable duration that extends beyond the set stop time. Youden does not even mention determining that a program will extend beyond a set stop time.

Thus, Safadi, Ellis, Moeller and Youden, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 2, 12 and 28, as amended.

Dependent claims 3-11, 13-25 and 27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 2 and 12, respectively. Further dependent claims 3-11, 13-25 and 27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 3-11, 13-25 and 27 are patentable over the cited references.

U.S. Patent Application Serial No. 09/994,583
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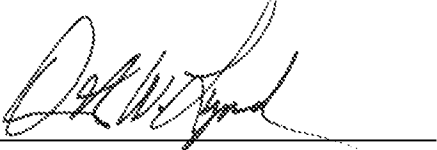
On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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